

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*  
State Engineer,

Plaintiff,  
v.

ROMAN ARAGON, *et al.*,

Defendants.

00 DEC 15 AM 10:19  
*R. Lee F. French*

69cv07941 JC ACE  
CLERK MATT LARQUE

RIO CHAMA STREAM SYSTEM  
Rio Gallina, Section 5

Subfile No.: CHGA-02-0035B

**CONSENT ORDER**

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

ANDREW J. LEYBA  
ANTHONY LEYBA  
EDWARD LEYBA

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Gallina, Section 5, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.

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3. There is no just reason for delay for the entry of a final judgment as to the element of the claims of the Defendant(s) adjudicated by this order.
4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Gallina, Section 5, are set forth below:

**A. IRRIGATION (Surface Water Only)**

**Office of the State Engineer Files No(s):** NONE

**Priority:** Reserved for future determination by court order entered March 15, 2000.

**Source of Water:** Surface water of the Rio Capulin, a tributary of the Rio Gallina, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch Name:** Cordova/Martinez Ditch

**Location X:** 1,481,451 feet **Y:** 1,897,664 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

**Location and Amount of Irrigated Acreage:**

Township 23N, Range 1E, Section 15, N.M.P.M.

Pt. NW¼	0.3
Total	0.3 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHGA-02-0035B.

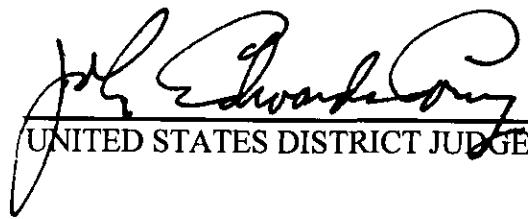
**Amount of Water:** Reserved for future determination by court order entered March 15, 2000.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Gallina, Section 5, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Gallina, Section 5, except in strict accordance with the water rights described herein.

7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Gallina, Section 5, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Gallina, Section 5, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



John Edwards  
UNITED STATES DISTRICT JUDGE

Recommended for approval:

Nicole L. Yabin  
SPECIAL MASTER

ACCEPTED: Edward Leyba  
EDWARD LEYBA

ADDRESS: 2949 Clover Ln. SW  
Apt. M.M. 87105

DATE: \_\_\_\_\_

ACCEPTED: Anthony Leyba  
ANTHONY LEYBA

ADDRESS: 4443 15th Street SW  
Apt. B1. 87105  
B121  
11-23-00

DATE: \_\_\_\_\_

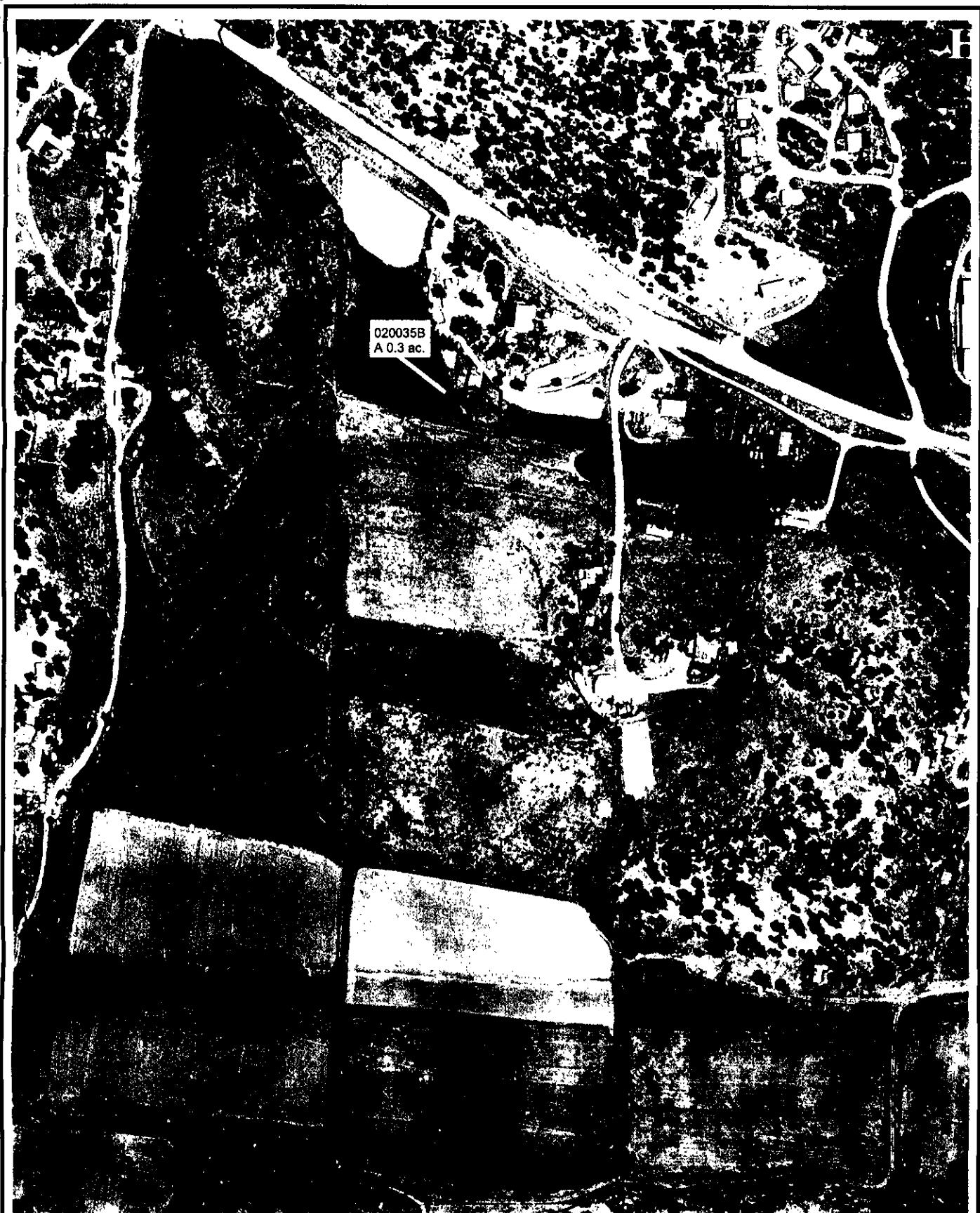
ACCEPTED: Andrew J. Leyba  
ANDREW J. LEYBA

ADDRESS: 1919 G St. NW  
Albuquerque, NM 87107 2949 Clover Ln. SW  
Albuquerque, NM 87105

DATE: 11/23/00

Ed Newville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General

11.30.00  
Date



**Legend**

- Irrigated Tract Boundary
- No Right Tract Boundary
- Operable Ditch
- Inoperable Ditch
- Stock Pond / Reservoir
- Point of Diversion

Scale  
1 inch = 300 feet  
100 0 100 200 300 Feet



STATE OF NEW MEXICO  
Office of the State Engineer  
Thomas C. Turney, State Engineer

Rio Chama Hydrographic Survey  
RIO GALLINA SECTION

Subfile Number  
CHGA-020035B  
Cordova/Martinez Ditch  
AMENDED Oct. 10, 2000

